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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/760,714	01/17/2001	Mike Oliphant	04997.0013.NPUS00	5846
7590 11/18/2004		EXAMINER		
Darby & Darby P. C.			POND, ROBERT M	
Eric A. Prager				
P.O. Box 5257			ART UNIT	PAPER NUMBER
New York, NY 10150-5257			3625	
	DATE MAILED: 11/18/2004			1

Please find below and/or attached an Office communication concerning this application or proceeding.

	<u>, </u>	Application No.	Applicant(s)			
Office Action Summary		09/760,714	OLIPHANT ET AL.			
	Onice Action Summary	Examiner	Art Unit			
	The MAILING DATE of this communication app	Robert M. Pond	3625 M			
Period fo		ears on the cover sheet with the c	orrespondence address			
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
1)⊠	Responsive to communication(s) filed on 26 Ju	ıly 2004.				
2a)⊠	This action is FINAL . 2b) This action is non-final.					
3)□	Since this application is in condition for allowance except for formal matters, prosecution as to the ments is					
	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.					
Disposit	ion of Claims					
5)□ 6)⊠ 7)□	 4) Claim(s) 1-30 is/are pending in the application. 4a) Of the above claim(s) 15-21,24 and 25 is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) 1-14,22,23 and 26-30 is/are rejected. 7) Claim(s) is/are objected to. Claim(s) are subject to restriction and/or election requirement. 					
Applicat	ion Papers					
10)⊠	The specification is objected to by the Examine The drawing(s) filed on <u>07 April 2004</u> is/are: a) Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct The oath or declaration is objected to by the Ex	☑ accepted or b)☐ objected to drawing(s) be held in abeyance. Section is required if the drawing(s) is object.	e 37 CFR 1.85(a). jected to. See 37 CFR 1.121(d).			
Priority (under 35 U.S.C. § 119					
a)l	Acknowledgment is made of a claim for foreign All b) Some * c) None of: 1. Certified copies of the priority document: 2. Certified copies of the priority document: 3. Copies of the certified copies of the priority document: application from the International Bureau See the attached detailed Office action for a list	s have been received. s have been received in Applicati ity documents have been receive u (PCT Rule 17.2(a)).	on No ed in this National Stage			
Attachmen	t(s)					
1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)						
3) 🔲 Infori	e of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) r No(s)/Mail Date	Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:	ate Patent Application (PTO-152)			

DETAILED ACTION

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Election/Restriction

Applicant's election without traverse of Group I, Claims 1-14, 22, 23, and 26-30 in the reply filed on 26 July 2004 is acknowledged.

Response to the Amendment

The Applicant's amendment filed 07 April 2004 amended Claims 1, 15, 22, and 23, and newly added Claims 26-30. All pending claims not withdrawn (1-14, 22, 23, and 26-30) were examined in this final Office Action.

Response to Arguments

Priority

The Applicant amended the specification to remove the claim for priority.

<u>Drawings</u>

The Applicant amended Figures 1 and 3 to overcome drawing objections.

Objections to the drawings are withdrawn.

<u>Specification</u>

The Applicant amended the specification for minor typographical errors and revised the Abstract. Objections to the specification are withdrawn.

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Rejection under 35 USC 102(b)

Applicant's arguments filed 07 April 2004 have been fully considered but they are not persuasive. The Applicant argues the following:

Ginter is simply a treatment of digital rights management including a

"laundry list" of elements for electronic financial transactions:

Ginter is a utility patent granted by the United States of America and offers a comprehensive treatment of managing and utilizing electronic works or digital works. Like the Applicant, the Examiner had to wade through 300-plus pages in order to make sure the Examiner was not picking and choosing disparate parts.

Ginter does not consider the activities of a single user:

At a minimum, Ginter throughout the specification refers to the single user at least as an electronic information user, an end-user or user, an individual, a consumer, a purchaser, an author, or a creator. Figure 1 depicts a consumer receiving electronic works via a video production studio or from an information utility that distributes published electronic works. Figure 2 depicts the flow from content creator, rights distributors, content users, and financial clearinghouse and content administrator. The Examiner respectfully disagrees with the Applicant's assertion that Ginter does not consider the activities of a single user.

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Ginter is contrary to the present invention wherein the electronic works are
 not stored in one location, they may be stored in multiple locations and the
 online account allows the user to access the electronic works regardless
 of the location of the work:

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Ginter teaches multiple locations for electronic work storage. Figure 1 depicts electronic content being distributed directly to a consumer and to an information utility. Ginter teaches delivery to an end-user site of different pieces of the same VDE managed property from plural separate remote locations, or plural separate VDE content containers (see at least col. 17, lines 29-35); content from different locations remote from the user performing an aggregation of the content (see at least col. 31, line 65 through col. 32, line 5); remote database searching by end-users for content (see at least col. 37, lines 3-34); content created and stored in multiple VDE repositories (see at least col. 279, lines 5-54). The Examiner respectfully disagrees with the Applicant's assertion regarding a single location for content.

Ginter deals with bank account- not a user account:

Ginter deals with bank accounts associated with the user's VDE content container. Ginter teaches a user logging into a user account with a user name and password, user approving the expense of the purchasable content, and subsequent payment to an account associated with the user's VDE appliance (see at least Fig. 72A (182); Fig. 72B (2662); Fig.

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72C; Fig. 72D; col. 235, line 44 through col. 236, line 27). The Examiner respectfully disagrees with the Applicant's assertion regarding user accounts.

Ginter is silent on automatically an assigning identifier to an electronic
 work:

Ginter teaches an object registry; creator identifier (creator IDs), object identifiers (object IDs) being automatically assigned (see at least Fig. 16 (450); Fig. 30 (460); Fig. 31 (466(3), 466(4); col. 150, line 24-26). The Examiner respectfully disagrees with the Applicant's assertion regarding Ginter's silent treatment of automatically assigning identifiers.

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Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-14, 22, 23, and 26-30 are rejected under 35 USC 102(b) as being anticipated by Ginter et al. (Paper #4, patent 5,910,987).

Ginter et al. teach all the limitations of Claims1-14, 22, 23, and 26-30. For example, Ginter et al. disclose systems and methods for secure transaction management and secure chains of handling and controlling of electronic works using a virtual distribution environment. Ginter et al. disclose: creators, distributors, and users of electronic works, an electronic content container, container content objects, metadata that describes the electronic work, remotely distributed databases, and database linkage to electronic works supported by web protocols (e.g. HTML, HTTP, and URL) (see at least abstract; Fig. 1 (200); Fig. 1a (200g); Fig. 2 (100); Fig. 2 (106, 112, "Added"); Fig. 5a (300); Fig. 12a (1220, 1230); Fig. 16 (METHODS 1000); col. 1, lines 1-43; col. 2, line 25 through col. 47, line 62; col. 100, lines 31-38). Ginter et al. disclose creating and partitioning VDE objects by placing meta-data (e.g. author's name, creation date) into them, and assigning rights associated with them and/or object content (e.g. publisher and/or content creator respectively) (see at least Fig. 5a (300); col.

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256, lines 32-65). Ginter et al. disclose chain of handling that permits electronic works to be linked to online accounts (see at least col. 14, lines 38-65; col. 177, line 54 through col. 178, line 4). Ginter et al. further disclose permission records specifying various control relationships between objects and users, supporting single access (e.g. one-to-one relationship between a user and a right user), group access (any number of people may be authorized as a group), and by example using a law firm, linking multiple electronic works to a client account (see at least col. 271, line 23 through col. 274, line 30).

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Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mr. Robert M. Pond** whose telephone number is 703-605-4253. The examiner can normally be reached Monday-Friday, 8:30AM-5:30PM Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Ms. Wynn Coggins** can be reached on 703-308-1344.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **703-308-1113**.

Any response to this action should be mailed to:

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Commissioner of Patents and Trademarks Washington D.C. 20231

or faxed to:

703-872-9306 (Official communications; including After Final communications labeled "Box AF")

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.

Robert M. Pond

Patent Examiner November 12, 2004